



Comparison of Nonconforming Principal Structure Regulations

Existing Standard in Ch. NR 115

May Proposal

August Proposal

Ordinary Maintenance and Repairs

Allowed with no limits.

Allowed with no limits.

Allowed with no limits.

Structural Alterations

Allowed if over the life of the structure, structural alterations, including expansions, do not exceed 50% of the equalized assessed value of the structure.

Allowed if mitigation standard is met.

Mitigation standard:

- Structure is visually inconspicuous or rendered so through the planting and maintenance of vegetation.

Allowed if mitigation standard is met.

Mitigation standard:

- Structure is screened with vegetation, constructed of natural materials or otherwise designed to be visually inconspicuous.

Expansions

Allowed if over the life of the structure, structural alterations, including expansions, do not exceed 50% of the equalized assessed value of the structure.

Allowed if:

- Structure is setback at least 50 feet from OHWM.
- Lot is at least 7,000 s.f.
- There is not a compliant building location on the lot.
- Footprint of structure with expansion does not exceed 1,500 s.f.
- Existing foundation is not removed, replaced, reconstructed, improved or structurally altered.
- Vertical expansion subject to height limits.
- Horizontal expansion is on side of structure furthest away from OHWM.
- Mitigation standards are met.

Mitigation standards:

- Structure is earth-tone.
- Structure is visually inconspicuous or rendered so through planting and maintenance of vegetation.
- Private on-site wastewater treatment system inspected and upgraded, if needed, to bring into compliance with ch. Comm 83.
- At least 80% of post-construction stormwater runoff resulting from impervious surfaces on the lot controlled.
- Vegetative buffer shall be preserved or restored, and maintained.

Allowed if:

- Structure is setback at least 50 feet from OHWM.
- Lot is at least 7,000 s.f.
- There is not a compliant building location on the lot.
- Footprint of structure with expansion does not exceed 1,500 s.f.
- Horizontal expansion is on side of structure furthest away from OHWM.
- Mitigation standards are met.

Mitigation standards:

- Structure is screened with vegetation, constructed of natural materials or otherwise designed to be visually inconspicuous.
- Private on-site wastewater treatment system inspected and upgraded, if needed, to bring into compliance with ch. Comm 83.
- At least 80% of post-construction stormwater runoff resulting from impervious surfaces on the lot controlled.
- Vegetative buffer shall be preserved or established, and maintained.

Reconstruction

Prohibited. Reconstructed structures must meet the same standards as any new structure.

Allowed if:

- Lot is at least 7,000 s.f.
- Existing foundation is not removed, replaced, reconstructed, improved or structurally altered.
- Height of new structure may not exceed height of pre-existing structure, except for conversion of flat roof to pitched roof.
- Expansion allowed if structure setback minimum of 50 feet from OHWM and other expansion requirements are met.
- Mitigation standards are met.

Mitigation standards:

- Structure is earth-tone.
- Structure is visually inconspicuous or rendered so through planting and maintenance of vegetation.
- Private on-site wastewater treatment system inspected and upgraded, if needed, to bring into compliance with ch. Comm 83.
- At least 80% of post-construction stormwater runoff resulting from impervious surfaces on the lot controlled.
- Vegetative buffer shall be preserved or restored, and maintained or all nonconforming accessory structures removed from shoreland buffer area.

Allowed if:

- Lot is at least 7,000 s.f.
- Existing foundation is not removed, replaced, improved or structurally altered, unless structure is setback at least 50 feet from OHWM.
- Height of new structure may not exceed height of pre-existing structure, except for conversion of flat roof to pitched roof.
- New structure does not extend closer to OHWM than pre-existing structure.
- Expansion allowed if structure setback minimum of 50 feet from OHWM and other expansion requirements are met.
- Mitigation standards are met.

Mitigation standards:

- Structure is screened with vegetation, constructed of natural materials or otherwise designed to be visually inconspicuous.
- Private on-site wastewater treatment system inspected and upgraded, if needed, to bring into compliance with ch. Comm 83.
- At least 80% of post-construction stormwater runoff resulting from impervious surfaces on the lot controlled.
- Vegetative buffer shall be preserved or established, and maintained if structure is 50 feet or more from OHWM or if structure is less than 50 feet from OHWM, all nonconforming accessory structures removed from shoreland buffer area.

Example

A nonconforming principal structure is located 56 feet from the OHWM. A previous expansion, when the house was valued at \$100,000, cost \$40,000. House is currently valued at \$175,000. The total footprint of the structure is now 1,000 square feet. The lot is 12,500 square feet and does not have a compliant building location.

Ordinary Maintenance and Repairs: Put new siding on cabin.

- Current NR 115 = Allowed.
- May Proposal = Allowed.
- August Proposal = Allowed.

Structural Alterations: Remove exterior wall facing lake and put in new bay windows and sliding glass doors.

- Current NR 115 = Allowed, if project cost is under \$17,500 (10% of \$175,000).
- May Proposal = Allowed, if mitigation standard is met by homeowner.
- August Proposal = Allowed, if mitigation standard is met by homeowner.

Expansion: Add on 500 square-foot sunroom at same time as adding new bay windows and sliding glass doors.

- Current NR 115 = Allowed, if project cost is under \$17,500 (10% of \$175,000).
- May Proposal = Allowed, if existing foundation is not removed, replaced, improved or structurally altered; sunroom is located on side of house furthest away from OHWM, and mitigation standards are met by homeowner.
- August Proposal = Allowed, if sunroom is located on side of house furthest away from OHWM, and if mitigation standards are met by homeowner.

Reconstruction: Build a new cabin in same location and same footprint as existing cabin with a new foundation.

- Current NR 115 = Prohibited.
- May Proposal = Prohibited.
- August Proposal = Allowed if height of new structure is same as height of pre-existing structure and mitigation standards are met by homeowner.

Notes:

- If a proposed activity is prohibited or the homeowner cannot meet a standard, the homeowner may apply for a variance.
- If the structure is eligible for reconstruction under s. 59.692 (1s), the homeowner may be issued a permit to reconstruct the structure without a variance.